



**MAMMOTH LAKES FIRE PROTECTION DISTRICT
STATION 1, 3150 MAIN STREET
MAMMOTH LAKES, CA 93546**

**BOARD OF FIRE COMMISSIONERS
12:00PM, TUESDAY, JULY 20, 2021
MEETING AGENDA**

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Fire District (760) 934-2300. Notification 48 hours prior to the meeting will enable the Fire District to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 13.102-35.104 ADA Title II)

NOTE: Materials related to an item on the agenda, submitted to the Fire District Board after distribution of the agenda packet are available for public inspection at the Fire District Office, 3150 Main Street, Mammoth Lakes, California during normal business hours.

NOTE: This meeting will be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. To participate in the Board meeting via Zoom, please contact caroline@mlfd.ca.gov for the link. Public comments can also be submitted to caroline@mlfd.ca.gov prior to the meeting.

- 1) CALL TO ORDER – ROLL CALL
- 2) APPROVAL OF JUNE 15, 2021 MEETING MINUTES (pages 3 – 10)
- 3) SPECIAL PRESENTATIONS
- 4) GENERAL PUBLIC COMMENT
Any person may address the District Board on any subject pertaining to District business, which is not listed on the agenda. This comment is provided by the Ralph M. Brown Open Meeting Act (Government Code § 54950 *et seq.*) and may be limited to three (3) minutes for any person addressing the Board. Please complete a “Request to Speak” form and submit it to the District Business Office Manager.
- 5) CONSENT AGENDA
- 6) BUDGET
 - a) Budget Variance Non-Grant Year-to-Date (page 11)
 - b) Explanation of Accrual and Modified Accrual method
 - c) Recommendation to defer adoption of final budget until September 2021, pending reserve policy guidance from NHA and Lexipol
- 7) OLD BUSINESS
 - a) Analysis of various DIF waiver/deferral requests in progress with legal counsel

8) NEW BUSINESS

9) REPORTS, REQUESTS, AND COMMUNICATIONS FOR BOARD REVIEW

10) DISTRICT CHIEF COMMENTS

- a) Captain Myrold Celebration of Life
- b) Intent to meet with Association to discuss possibility of reopening MOU
- c) Cell tower inquiry for Station 2
- d) Professional Association Summary:
 - i) Western Fire Chiefs Association – California President
 - ii) California Fire Chiefs Association – WFCFA Representative; President, Emergency Management Section
 - iii) Fire District Association of California – 1st Vice President

11) BOARD MEMBER COMMENTS

12) LEGAL COUNSEL ADVICE

13) MLFPD ASSOCIATION COMMENTS

14) ANNOUNCEMENTS

15) ADMINISTRATIVE BUSINESS

16) ADJOURNMENT

This agenda was posted in public view on the Town of Mammoth Lakes public bulletin board, and at Mammoth Lakes Fire Protection District, Fire Stations 1 and 2, 3150 Main Street and 1574 Old Mammoth Road on July 17, 2021.



**MAMMOTH LAKES FIRE PROTECTION DISTRICT
BOARD OF FIRE COMMISSIONERS
MEETING MINUTES
JUNE 15, 2021**

- 1) CALL TO ORDER – ROLL CALL
 - a) *Board Members present: John Mendel, Commissioner; Bret Bihler, Chair; Carole Schilz, Secretary; Buck Wahl, Vice Chair; Roger Curry, Commissioner*
 - b) *MLFD Staff present: Ales Tomaier, Acting Fire Chief; Bob Rooks, Division Chief; Natalie Morrow, Division Chief; Danny Shugart, Captain; Caroline Sanderson, Office Manager; Tyson Kaylor, Engineer*
 - c) *Legal Counsel present: Jeremy Ibrahim*
- 2) APPROVAL OF MAY 4, 2021 AND MAY 18, 2021 MEETING MINUTES
 - a) *Carole Schilz moved to approve the May 4, 2021 meeting minutes, Roger Curry seconded the motion, and the Board voted unanimously in favor.*
 - b) *Carole Schilz moved to approve the May 18, 2021 meeting minutes, John Mendel seconded, and the Board voted unanimously in favor.*
- 3) SPECIAL PRESENTATIONS – *None*
- 4) GENERAL PUBLIC COMMENT – *None*
- 5) CONSENT AGENDA – *None*
- 6) BUDGET
 - a) 2020/2021 Budget Year-to-Date Review
 - i) *Ales Tomaier reported that we had received the third property tax apportionment and that the budget was sitting at about 104%.*
 - ii) *Chief Tomaier also reported that we had received reimbursement for the COVID-19 assistance for hire, and that we planned to resubmit for additional grant reimbursements.*
 - iii) *Chief Tomaier said that he believed Chief Frievalt would transfer some DIF funds over in the next fiscal year. He said that there is about \$300,000 in DIF.*
 - iv) *In terms of expenses, Ales Tomaier said that we can expect to be over budget in the Chief's wages due to his new contract, but that overall, manpower costs were in line with what we expected.*
 - v) *Chief Tomaier mentioned that Food looked low due to no in-person trainings, but that we could expect that to change.*
 - vi) *Logistics showed a decrease in the purchase of COVID-19 supplies, but there still might be potential for additional funding. Chief Tomaier said he did anticipate a need for cleaning supplies.*

- vii) *The Safety Gear/PPE category looked high, but it had been offset by a grant. Turnouts can now only be used for ten years. After that, we're unable to repair them, so we may need to address this in the budget going forward.*
- viii) *In the Communications Repairs/Radios category, Chief Tomaier reported that we were currently working towards a new radio system, and this budget category would grow significantly as the result of it.*
- ix) *Ales Tomaier said that Buildings/Grounds was in line with what was budgeted.*
- x) *Medical Supplies were up due to a combination of reasons, not just COVID-19.*
- xi) *With respect to IT Support, Chief Tomaier reported that there still might be a few purchases before the end of the fiscal year.*
- xii) *The Fire Safe Council did not meet during the 20/21 fiscal year. Chief Morrow has been working on restarting meetings so that the group can continue to work on the Lakes Basin clean-up.*
- xiii) *The Prevention/Education category seems high, but fees are collected to offset these costs.*
- xiv) *Ales Tomaier said that it is still one of Chief Frievalt's goals to reorganize our chart of accounts.*
- xv) *Chief Tomaier reported that Training was coming in under budget. The Medical Exams category was also under because we haven't finalized our new policy on administering them.*
- xvi) *The Fuel/Oil costs appear low, but the Town of Mammoth Lakes bills inconsistently.*
- xvii) *Electricity and Propane were up, mostly due to an increase in cost, but partially due to the number of vaccination clinics that were held at Station 2. AmeriGas also changed our contract rate.*
- xviii) *Phones were up due to the switch to FirstNet, which has increased our connectivity in apparatuses significantly.*
- xix) *Total utilities are at about 109%.*
- xx) *Roger Curry asked if we received a quote for propane from Eastern Sierra Propane, to which Chief Tomaier replied that he would have to defer to Chief Walker, who was absent. However, generally speaking, there is some benefit to the AmeriGas franchise lines if there was a large incident in our area. Eastern Sierra Propane doesn't have the capacity to support a large incident.*
- xxi) *Chief Tomaier also reported that we hadn't received the Mono County Administrative Fee yet, but that it should be in line with what was budgeted.*
- xxii) *The Station 1 Lease Payment category will end up at 50% of budget because we only made one payment, prior to paying off the Station in full.*
- xxiii) *Carole Schilz asked if we would see the completed budget in the next few months, to which Chief Tomaier replied that it may not be closed out for a while—in some years it wasn't closed out until January of the following year.*
- b) **Review and Adoption of 2020/2021 Preliminary Budget (pages 16 – 18)**
 - i) **Budget Preliminary Adoption – Health & Safety Code - 13890.** On or before June 30 of each year, a district board shall adopt a preliminary budget which shall conform to the accounting and budgeting procedures for special districts contained in Subchapter 3 (commencing with Section 1031.1) of, and Article 1 (commencing with Section 1121) of Subchapter 4 of, Chapter 2 of Division 2 of Title 2 of the California Code of Regulations.

- ii) Placement of Notice (On or before June 30th – handled by district staff) and Scheduling of Adoption of Final Budget (On or before October 1 – Recommended for August 17th by district staff)
- iii) *Ales Tomaier told the Board that we were not required to submit the actual budget until October. Usually, we attempt to get the preliminary budget pretty close to how we'd like to see our final budget, but there were a few items on the preliminary budget that would need to be adjusted.*
- iv) *Chief Tomaier recommended that the Board approve the preliminary budget because we had until October to make adjustments to it.*
- v) *Bret Bihler said he had reviewed it and didn't find any inconsistencies at all.*
- vi) *Chief Tomaier said that we can expect property taxes to increase—Chief Frievalt believes they'll be as high as 4%. However, some of this could represent the COVID-19 buying frenzy. It is difficult to determine if the increase represents long-term trends or just an anomaly.*
- vii) *Chief Tomaier said that we had increased the budget for filing fees due to the increase in construction and permits.*
- viii) *Manpower costs will stay about the same.*
- ix) *Logistics and Admin Expenses were adjusted slightly.*
- x) *Chief Tomaier said that Chief Frievalt left the Station 1 Lease Payoff in the budget as a line item/placeholder of \$260,000. We only have this money for the next seven years. When the final budget is adopted, this should be located in a different line item.*
- xi) *The Capital Replacement schedule had not been increased, and would need to go up slightly.*
- xii) *The preliminary budget also doesn't represent the cost of Bob Rooks.*
- xiii) ***Carole Schilz moved to approve the preliminary budget, John Mendel seconded the motion, and the Board voted unanimously in favor.***
- xiv) *Chief Tomaier recommended that the Board plan to approve the final budget at the August 17th meeting, but if that was not possible, we would have the September meeting as a cushion. The Board agreed that this seemed like a good strategy.*
- c) Finance Advisory Committee
 - i) Next Meeting in July to cover Station 2 staffing costs estimates, recommendations on district reserve policies & overview of Roth 457 addition as recommended by Oram & Kaylor Strategic Asset Management
 - (1) *Chief Tomaier reported that the Finance Advisory Committee didn't meet this month and that the next meeting would be in July. The July meeting would include the cost estimate for staffing Station 2, district reserve policies and the addition of a Roth contribution option to the 457 Plan.*

7) OLD BUSINESS

- a) Update on status of grant reimbursement for COVID-19 response
 - i) 100% reimbursement has been received through calendar year 2020 for requested equipment and staff costs
 - (1) *Bob Rooks reported that we had just received our last FEMA COVID-19 grant reimbursement check which brought us to 100% reimbursement for our 2020 requests. The reimbursement covered the cost of supplies, wages and the overhead relief position temporarily hired for the EOC.*

- (2) *Ales Tomaier told the Board that we would submit for additional reimbursement through March 2021. After March, we may have to adjust our reason for needing the funding, but we believe we may have a strong argument in terms of Chief Rooks' wages.*
- ii) Governor Newsom currently not lifting existing March 4, 2020 State of Emergency Order
 - (1) *Chief Tomaier notified the Board that the Governor was not lifting the March 4, 2020 Emergency Order yet.*
- iii) Assembly and Senate Budget Committees inserted COVID Relief Funds into Budget for Special Districts – *Chief Tomaier noted this as well.*
- b) Status of battery backup systems for Fire Stations 1 & 2 utilizing the SIP grant
 - i) *Bob Rooks said that we were looking at two separate grants—one for each of the stations.*
 - ii) *Chief Rooks said that the company is working on a Tesla type battery backup for each station, which ranges from four to twenty hours depending on the load. The cost would be approximately \$170,000 for the two stations.*
- c) Update on radio system
 - i) Meeting with Elk Mountain Tech – Working on scope of contract for assistance with system design
 - (1) *Bob Rooks reported that he, Chief Frievault and Chief Tomaier had met with Elk Mountain Tech, the company that is working with Mammoth Mountain on their new radio system. The company provides consulting services for agencies/businesses and is a liaison between buyers and radio vendors.*
 - (2) *Chief Rooks said that we were waiting for Elk Mountain to do a scoping paper before we agree to use them as our consultant. We need the engineering study to see what we would need in order to provide coverage in the Town of Mammoth Lakes. The Town is willing to partner with us on the project and new system, which is helpful.*
 - (3) *Ales Tomaier reminded the Board that our current communications system has significant issues. The County was proposing an upgrade to the current VHS system that could potentially cost tens of millions of dollars. He said that now the County is trying to tie into a state system, but MLFD has some concerns about it. Chief Tomaier mentioned that the contact at Elk Mountain was extremely knowledgeable about fire needs, radio systems and IT, and that he had experience implementing communications systems in other areas. Overall, Chief Tomaier felt that Chief Rooks had made significant progress on this project.*
- d) Status of new 3334 – Inspection completed, expected to arrive in district June 17th with acceptance testing occurring June 18th. Purchase previously approved by Board, need approval from two commissioners for Caroline to use their signature stamps. (page 19)
 - i) *Bob Rooks said that he had completed the inspection on the new rig in Idaho, and that there were minor changes requested, such as Plymovent adjustments and striping. He said that the rig was scheduled to be delivered to MLFD on June 17th.*
 - ii) *Bret Bihler asked how much training time MLFD staff would get on the rig, to which Chief Rooks replied that the trainer would only be in Mammoth for about three hours.*
 - iii) *Chief Tomaier said that Caroline Sanderson had prepared a check for the rig, and would need approval from two commissioners to use their signature stamps.*

- (1) Bret Bihler and Buck Wahl gave Caroline permission to sign with their stamps.**
- e) LAFCO inquiry status – Mono County LAFCO has received our request, and is in the process of constructing an RFP for a Municipal Services Review
- i) *Ales Tomaier stated that Chief Frievalt had done all of the front-end work on this request, the County had received it, and that based on the Municipal Services Review, our Sphere of Influence might change.*

8) NEW BUSINESS

- a) Request from Mammoth Lakes Housing for waiver or deferral of development fees for 238 Sierra Manor Road – Access Apartments
- i) Mammoth Lakes Housing request (pages 20 – 27)
- ii) The Parcel DIF and Pacific West Development notification of future request (pages 28 – 29)
- iii) Excerpt from US Dept. of Housing and Urban Development Guide for Practitioners (pages 30 – 35)
- iv) *Ales Tomaier said that we have been receiving requests for significantly more waivers and/or deferrals of DIF fees, so this has become a larger issue. It will be important to explore the legality of waiving fees, because we are essentially setting policy if we do agree to waive them for a particular agency or project.*
- v) *Chief Tomaier reported that the cost of this project has substantially increased so Mammoth Lakes Housing is looking for ways to cut the cost and retain their eligibility for grant funding. He said that they need to decrease cost by approximately \$1 million dollars and not paying MLFD DIF fees will not give them that amount.*
- vi) *Chief Tomaier said that there are several things for the Board to consider while making decisions about waiving DIF fees. One, he said, was, does the organization receive credit for something that previously existed on that property, because in this situation, a commercial building existed on the property and it was being converted into affordable housing. No DIF fees were paid for that building at the time it was built.*
- vii) *Chief Tomaier stated that different municipalities are approaching the deferral/waiver of DIF fees differently.*
- viii) *Jeremy Ibrahim weighed in from a legal perspective. He said that, in short, the Board is allowed to authorize a waiver of DIF. However, the District needs to have a policy in place governing what the criteria is to waive fees. Without a policy in place, Jeremy said that he wasn't sure if the Board could act on this request at this time. He also agreed with Ales Tomaier, that even though cities/counties are waiving fees across the state for affordable housing, it's not done consistently. So it's up to each city/town/county/agency to decide what they want to do.*
- ix) *Chief Tomaier said that all Mammoth Lakes Housing was requesting from us was a letter stating that we were looking into waiving fees and would come back to them with an answer. This would allow MLH to maintain eligibility for grant funding.*
- x) *Chief Tomaier met with Patricia Robertson from Mammoth Lakes Housing and told her that affordable housing was a top priority of the District—we just couldn't agree to waive fees without further research and an existing policy.*
- xi) *John Mendel commented that Developmental Impact Fees are just that—fees levied for the impact a project was having on the community, and the impact for MLFD is*

that it increases the need for response. So regardless of whether the project is for affordable housing, the need for emergency response still increases.

xii) *Chief Tomaier responded to Commissioner Mendel's question by saying that it would be a good idea to take a month to put together a staff report on the issue, and bring that report back to the Board. He said it would be extremely important to explore the questions legally and come up with a solution that was in the best interest of the District.*

(1) *Jeremy Ibrahim reminded the Board that DIF fees are tied to the cost of enforcement and the cost of regulations. These are the costs that MLFD incurs for fighting fires and enforcing regulations. Additional housing means additional services that will be needed by people in that housing development. Before the Board makes any decisions, there should be a resolution approved that clearly states the criteria for waiving fees.*

(a) *The Board expressed agreement, and also noted that MLFD's needs don't always align exactly with the Town's.*

(2) *Bret Bihler thought it would be beneficial for staff only to work on a preliminary recommendation. He didn't think it needed to be a working group which included Board members and legal. Carole Schilz was in agreement.*

(3) *Bret Bihler also found some parts of the housing information included in the packet confusing, to which Chief Tomaier replied that it was. Chair Bihler was referring to reselling affordable housing units, which, Chief Tomaier said, has happened in Mammoth's deed restricted housing before. When the market dropped, affordable housing units were sold for full market value.*

b) *Purchase of Lexipol Solution for SOP 155 foundational policies and supporting platform (pages 36 – 40)*

i) *Ales Tomaier said that the District had been tasked for some time with development of Standard Operating Procedures (SOPs) and that there were pros and cons associated with going with a boiler plate system.*

ii) *Chief Tomaier said that the policies provided by Lexipol are well versed in California law enforcement and fire service. He also mentioned that the Mono County Sheriff's Office uses Lexipol.*

iii) *Chief Tomaier stated that the policies won't be perfectly suited for us; however, they will get us going in the right direction.*

iv) *The total cost for Lexipol's policies is only about \$7,000.*

(1) *Bret Bihler asked if the \$7,000 was a one-time cost, to which Chief Tomaier replied that it was. Chief Tomaier said after the initial cost, the District would need to evaluate its needs and decide if it was worthwhile to pay an annual maintenance/update fee.*

v) *Bret Bihler also mentioned that he saw some details about daily staff updates, and asked if those would go out to the entire department. Chief Tomaier replied that they would and that the goal was to roll out approximately four to five SOPs per month.*

vi) *Bret Bihler said that the District had been discussing how to manage SOPs since Chief Ritter was here, and that this will be money well spent.*

9) **REPORTS, REQUESTS, AND COMMUNICATIONS FOR BOARD REVIEW – None**

10) DISTRICT CHIEF COMMENTS

- a) *Ales Tomaier gave a quick presentation on the seasonal outlook in terms of weather. He said that we were experiencing an incredible heat wave in the western United States and that long-term, this would pose concerns for regions like ours.*
 - i) *Chief Tomaier said that per the U.S. Forest Service, the 100-hour fuel moistures are at record setting lows that we don't normally hit until July or August and there are concerns that we'll see some large forest fires.*
 - ii) *He said that the Creek Fire burned out a significant portion of forest, but we could still see a lot of dangerous conditions.*
 - iii) *Bret Bihler asked Chief Tomaier if the chipping program would begin on July 1st, to which Chief Tomaier replied that it would. At Chair Bihler's recommendation, Chief Tomaier agreed to work with the Prevention Division to get the information out in the local papers, on social media and the MLFD website.*
- b) *Ales Tomaier also gave an update on the COVID-19 masking policy.*
 - i) *He said that we were the first agency to take significant precautions to keep our staff safe.*
 - ii) *He said he had hoped to hold the June Board Meeting in person, but we weren't quite there in terms of necessary mitigations. He said that the Town was hoping that things could open up more fully sometime in July.*
 - iii) *Chief Tomaier said that OSHA was MLFD's determining body and they would meet two days after the Board Meeting. He anticipated OSHA being in agreement with the California Department of Public Health, so there was a good chance that by the end of the week, we could move into a phase where if you were vaccinated, you didn't have to wear a mask. Additionally, we could allow the public back into the station with no masks if they have been vaccinated, and masks if they're not.*

11) BOARD MEMBER COMMENTS

- a) *Bret Bihler thanked Chief Tomaier for notifying him about the annual ladder testing of 3361 and said was hopeful that the apparatus would pass.*

12) LEGAL COUNSEL ADVICE – None

13) MLFPD FIREFIGHTER ASSOCIATION COMMENTS – None

14) ANNOUNCEMENTS – None

15) ADMINISTRATIVE BUSINESS

- a) *Caroline Sanderson said that the next meeting was tentatively scheduled for Tuesday, July 20th.*
 - i) *Jeremy Ibrahim asked if the meeting would be held via Zoom, to which Chief Tomaier recommended that the location be "to be confirmed" until we received an update from OSHA.*
- b) *Caroline Sanderson also said that after the completion of payroll, she would like to transfer some of the excess apportionment from our Union account into our LAIF account. Carole Schilz volunteered to make the transfer.*

16) ADJOURNMENT – *The meeting was adjourned at 1:39PM.*

Commissioner Signature

Date

Print Name

Commissioner Signature

Date

Print Name

Mammoth Lakes Fire Protection District
Budget Variance - Non-Grant
July 1 - 20, 2021

	Jul 1 - 20, 21	Budget	% of Budget
Ordinary Income/Expense			
Expense			
Manpower Costs			
Wages - Chief	12,736	0	100%
Wages - Division Chief	25,766	0	100%
Wages - secretary	4,760	0	100%
Wages - firefighter FT	18,992	0	100%
Wages - firefighter PT	17,509	0	100%
Extra help	9,900	0	100%
Overtime FT&PT	11,103	0	100%
Employee Retirement PERS	11,800	0	100%
Retirement 401a	1,535	0	100%
Insurance - Health/Vision	5,769	0	100%
Payroll taxes	3,285	0	100%
Insurance - Vol. Life	865	0	100%
Total Manpower Costs	124,020	0	100%
Admin expenses			
Legal	1,500	0	100%
Publications	700	0	100%
Clothing and Personal	2,847	0	100%
Food	1,598	0	100%
Office Supplies/Postage	661	0	100%
Office equip./furnishings	713	0	100%
Insurance - liability	3,217	0	100%
Transportation and Travel	1,114	0	100%
Total Admin expenses	12,350	0	100%
Logistics			
SafetyGearPPE			
5413 SCBA's - Compressors	1,128	0	100%
Total SafetyGearPPE	1,128	0	100%
Buildings and Grounds	1,674	0	100%
Medical Supplies	86	0	100%
Computer Supplies	2,085	0	100%
IT support	6,518	0	100%
Maintenance - Equip	4,286	0	100%
Certification - Apparatus	3,190	0	100%
Total Logistics	18,968	0	100%
Training			
Medical exams/DOT	49	0	100%
Training	1,248	0	100%
Total Training	1,297	0	100%
Utilities			
Propane	739	0	100%
Water	508	0	100%
Telephone	2,541	0	100%
Total Utilities	3,787	0	100%
Total Expense	160,423	0	100%
Net Ordinary Income	-160,423	0	100%
Net Income	-160,423	0	100%